

REMARKS

This Amendment is submitted in response to the Office Action dated February 26, 2004, having a shortened statutory period set to expire May 26, 2004, extended to June 26, 2004. Claims 1-27 are pending. Applicants have amended Claims 1, 10 and 19 and have canceled Claims 6, 8, 15, 17, 24 and 26. No new matter has been entered by these amendments as all elements added to independent Claims 1, 10 and 19 were derived from the canceled claims.

Examiner Interview

Applicants appreciate the courtesy extended by the Examiner in conducting a telephone interview on June 22, 2004. Though the Examiner reserved judgment on the merits of the claims until such time as Applicants submit this response to the present Office Action, Applicants appreciate the patience and attention devoted to the Applicants' arguments during the teleconference.

Claim Rejections -- 35 U.S.C. § 102(e)

On page 2 of the present Office Action, Claims 1-27 are rejected under 35 U.S.C. §102(e) as being anticipated by *Kumar, et al.*, (United States Patent No. 6,356,921 B1). That rejection is respectfully traversed and reconsideration of the Claims is requested.

With regard to independent Claim 1 in the present application, therein is recited *inter alia*:

transmitting the meta frame in repetitive succession in one or more continuous cycles on a first frequency; and

transmitting subsets of the one or more category frames in repetitive succession in one or more other frequencies, wherein a unique subset of the one or more category frames is transmitted on each of said one or more other frequencies and not on the first frequency.

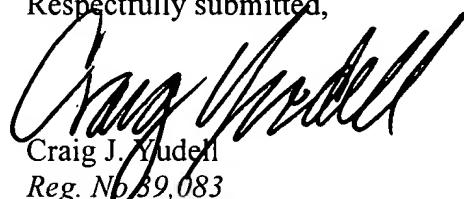
It is argued on page 5 of the present Office Action that *Kumar* discloses transmitting a "meta frame" in one or more continuous cycles on a first frequency as shown in Figure 3 and at col. 6, line 58-col. 7, line 9. It is further argued on page 6 of the present Office Action that the subset of category frames are transmitted on other frequencies as disclosed by *Kumar* in Figure 3 showing the individual tracks. What is clearly lacking from the teaching or suggestion of *Kumar* is that such data tracks should be transmitted on separate frequencies to enhance the data

delivery of the system. As explained at col. 5, lines 14-18, specific media files or data sets are accessed using a “single address in the presentation file 208” and are not accessed by tuning to a particular frequency containing that media track or data set. As explained at col. 5, lines 26-34, code segments 402 are transmitted by the web server upon request by the user. Further, the data segments 406 of the file are placed in the data storage locations for delivery to the client. As is further explained at col. 5, lines 35-47, data frames 500 contain a meta frame 506 and a media frame 508.

As is quite clear from the teachings of *Kumar* at col. 5-col. 7, the data frames are contained on the same frequency and do not incorporate the features of accessing different frequency channels for delivering the various tracks of data. In fact, Applicants note that the words “frequency” and “frequencies” do not even appear in the *Kumar* patent.

Consequently, Applicants respectfully submit that independent Claims 1, 10 and 19 are not in any manner shown or suggested by *Kumar*. Further, Applicants respectfully submit that the remaining dependent claims are also not shown or suggested by *Kumar* for the reasons given above. Applicants respectfully request reconsideration of the claims, and submit that the application is now in condition for allowance.

Respectfully submitted,



Craig J. Yudell
Reg. No. 39,083
DILLON & YUDELL LLP
8911 N. Capital of Texas Highway
Suite 2110
Austin, Texas 78759
512.343.6116

ATTORNEY FOR APPLICANTS